



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/389,299	09/02/1999	TETSUYA KOBAYASHI	03327.2220	5264

22852 7590 09/12/2002

FINNEGAN, HENDERSON, FARABOW, GARRETT &  
DUNNER LLP  
1300 I STREET, NW  
WASHINGTON, DC 20006

EXAMINER

LAFORGIA, CHRISTIAN A

ART UNIT

PAPER NUMBER

2156

DATE MAILED: 09/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/389,299

Applicant(s)

KOBAYASHI ET AL.

Examiner

Christian La Forgia

Art Unit

2156

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 September 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2156

### DETAILED ACTION

1. Claims 1 through 16 are presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. The following title is suggested: "An Execution Control Apparatus with Keypad that enables selection of Jobs to be Run."

### *Drawings*

4. The drawings filed on 2 September 1999 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

### *Specification*

5. The incorporation of essential material in the specification by reference to a foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by an affidavit or declaration executed by the applicant, or a practitioner representing the applicant, stating that the amendatory material consists of the same material incorporated by reference in the referencing application. See *In re Hawkins*, 486 F.2d 569, 179 USPQ 157 (CCPA 1973); *In re Hawkins*, 486 F.2d 579, 179 USPQ 163 (CCPA 1973); and *In re Hawkins*, 486 F.2d 577, 179 USPQ 167 (CCPA 1973).

Art Unit: 2156

6. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

*Claim Rejections - 35 USC § 102*

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8. Claims 12 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 5,742,824 to Kosaka.

9. As per claim 12, Kosaka teaches a job control apparatus comprising:

10. means for setting a condition satisfied by such a job which is stopped without any restriction in response to a predetermined event (column 3, line 17 to column 4, line 24); and

11. means for stopping the job which satisfies the set condition in response to the predetermined event (column 3, line 17 to column 4, line 24).

12. Regarding claim 16, Kosaka teaches a job execution control apparatus comprising:

13. means for storing a condition of a job which is directed to a pausing job (Figures 1 & 4; column 3, line 17 to column 4, line 24);

Art Unit: 2156

14. means for making the stored job pause in response to a predetermined event (Figures 1 & 4; column 3, line 17 to column 4, line 24);
15. means for notifying at least an identifier of the pausing job in response to a predetermined event (Figures 1 & 4; column 3, line 17 to column 4, line 24); and,
16. means for stopping at least one job instructed by the instruction apparatus among the pausing jobs (Figures 1 & 4; column 3, line 17 to column 4, line 24).

***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 1 through 9, 11, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kosaka in view of United States Patent No. 5,999,911 to Berg et al, (hereinafter Berg).
19. As per claim 1, Kosaka teaches a job execution control apparatus capable of executing a plurality of jobs in a parallel manner, comprising:
20. means for setting a condition of a job which is directed to a pausing job (Figure 1; column 2, lines 29-42); and,
21. means for making an execution of such a job satisfying the condition pause in response to a predetermined event (Figure 1; column 2, lines 29-42).
22. Kosaka does not teach:

Art Unit: 2156

23. means for displaying the pausing job; and
24. means for specifying at least one job among the displayed jobs.
25. Berg teaches:
26. means for displaying the pausing job (Figures 5, 6, 13 & 14; column 9, lines 17-50; column 21, line 44 to column 23, line 30); and
27. means for specifying at least one job among the displayed jobs (Figures 13 & 14; column 21, line 44 to column 23, line 30). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the display means of Berg with the system of Kosaka, because it would create an easier way to manage the various tasks that are being executed.
28. Regarding claim 2, Kosaka teaches a means for stopping the specified job (Figure 1; column 2, lines 29-42).
29. With regards to claim 3, Kosaka teaches a means for restarting the specified job (Figure 1; column 2, lines 29-42; column 3, line 17 to column 4, line 24).
30. As per claim 4, Kosaka teaches that the condition of the job which is directed to the pausing job is specified by a kind of the job (Figures 1 & 3; column 2, lines 29-42; column 3, line 17 to column 4, line 24).

Art Unit: 2156

31. With regards to claim 5, Kosaka teaches the condition of the job which is directed to the pausing job is specified by a parameter of the job (Figures 1 & 3; column 3, line 17 to column 4, line 24).

32. As per claim 6, Kosaka does not teach the pausing job displaying means displays only the pausing job. Berg teaches the pausing job displaying means displays only the pausing job (Figures 13 & 14; column 21, line 44 to column 23, line 30). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the display means of Berg with the system of Kosaka, because it would create an easier way to manage the various tasks that are being executed.

33. As per claim 7, Kosaka does not teach the pausing job displaying means also displays jobs other than the pausing job. Berg teaches the pausing job displaying means also displays jobs other than the pausing job (Figures 13 & 14; column 21, line 44 to column 23, line 30). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the display means of Berg with the system of Kosaka, because it would create an easier way to manage the various tasks that are being executed.

34. Regarding claim 8, Kosaka does not teach the predetermined event is an instruction input operation from the user. Berg teaches the predetermined event is an instruction input operation from the user (Figures 4 through 6 and 13 & 14; column 21, line 44 to column 23, line 30). Therefore, it would have been obvious to one with ordinary skill in the art at the time the

Art Unit: 2156

invention was made to include the input operation of Berg with the system of Kosaka, because it would create an easier way to manage the various tasks that are being executed.

35. As per claim 9, Kosaka does not teach the means for setting an additional condition under which the job pauses in addition to the condition set by the condition setting means. Berg teaches the means for setting an additional condition under which the job pauses in addition to the condition set by the condition setting means (Figures 4 through 6 and 13 through 15; column 21, line 44 to column 23, line 30). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the input operation of Berg with the system of Kosaka, because it would create an easier way to manage the various tasks that are being executed.

36. As per claim 11, Kosaka teaches a job execution control apparatus capable of executing a plurality of jobs in a parallel manner, comprising:

37. means for storing a first condition satisfied by a job which is stopped without any restriction in response to a predetermined event and a second condition satisfied by a job which pauses in response to the predetermined event (Figure 1; column 2, lines 29-42);

38. means for stopping the job satisfying the first condition in response to the predetermined event (Figure 1; column 2, lines 29-42); and,

39. means for making the job satisfying the second condition pause in response to the predetermined event (Figure 1; column 2, lines 29-42).

40. Kosaka does not teach:



Art Unit: 2156

41. means for displaying at least the pausing job; and
42. means for designating at least one job from the displayed jobs to stop, or restart the designated job.
43. Berg teaches:
44. means for displaying at least the pausing job (Figures 5, 6, 13 & 14; column 9, lines 17-50; column 21, line 44 to column 23, line 30); and
45. means for designating at least one job from the displayed jobs to stop, or restart the designated job (Figures 13 & 14; column 21, line 44 to column 23, line 30). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the display means of Berg with the system of Kosaka, because it would create an easier way to manage the various tasks that are being executed.
46. As per claim '14, Kosaka teaches a job execution control apparatus capable of executing a plurality of jobs in a parallel manner, comprising:
47. means for setting a condition of a job which is directed to a pausing job (Figure 1; column 2, lines 29-42); and,
48. means for making the stored job in response to a predetermined event (Figure 1; column 2, lines 29-42).
49. Kosaka does not teach:
50. means for displaying the pausing job; and
51. means for specifying at least one job among the displayed jobs.
52. Berg teaches:

Art Unit: 2156

53. means for displaying the pausing job (Figures 5, 6, 13 & 14; column 9, lines 17-50; column 21, line 44 to column 23, line 30); and

54. means for specifying at least one job among the displayed jobs (Figures 13 & 14; column 21, line 44 to column 23, line 30). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the display means of Berg with the system of Kosaka, because it would create an easier way to manage the various tasks that are being executed.

55. As per claim 15, Kosaka teaches a job execution control apparatus capable of executing a plurality of jobs in a parallel manner, comprising:

56. means for storing a condition of a job which is directed to a pausing job (Figure 1; column 2, lines 29-42); and,

57. means for making the stored job pause in response to a predetermined event (Figure 1; column 2, lines 29-42).

58. Kosaka does not teach:

59. means for displaying the pausing job; and

60. means for specifying at least one job among the displayed jobs.

61. Berg teaches:

62. means for displaying the pausing job (Figures 5, 6, 13 & 14; column 9, lines 17-50; column 21, line 44 to column 23, line 30); and

63. means for specifying at least one job among the displayed jobs (Figures 13 & 14; column 21, line 44 to column 23, line 30). Therefore, it would have been obvious to one with ordinary

Art Unit: 2156

skill in the art at the time the invention was made to combine the display means of Berg with the system of Kosaka, because it would create an easier way to manage the various tasks that are being executed.

64. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kosaka in view of Berg as applied to claim 9 above, and further in view of United States Patent No. 6,223,091 to Powell.

65. As per claim 10, Kosaka and Berg do not teach the additional condition to be defined as to whether the job corresponds to a background job, or a foreground job. Powell teaches the additional condition to be defined as to whether the job corresponds to a background job, or a foreground job (column 2, lines 33-44). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the definition of the condition as defined by Powell to the system of Berg and Kosaka, because it would create an easier way to manage the various tasks that are being executed, by determining which tasks were of greater importance.

66. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kosaka in view of United States Patent No. 6,088,024 to Yamagata.

67. As per claim 13, Kosaka teaches a job execution control apparatus capable of executing a plurality of jobs in a parallel manner, comprising:

68. means for storing a condition of a job which is directed to a pausing job (Figures 1 & 4; column 3, line 17 to column 4, line 24); and,

Art Unit: 2156

69. means for making the job which satisfies the condition pause when the predetermined key is operated (Figures 1 & 4; column 3, line 17 to column 4, line 24).

70. Kosaka does not teach:

71. a display means provided with a touch panel function, for displaying information related to one job;

72. means for displaying a button for instructing a stop of the one job on the display means;

73. means for stopping the one job when a touch operation is carried out with respect to the displayed button; and,

74. a predetermined key provided on a portion except for the display means.

75. Yamagata teaches:

76. a display means provided with a touch panel function, for displaying information related to one job (Figures 1 & 3; column 4, line 55 to column 6, line 48);

77. means for displaying a button for instructing a stop of the one job on the display means (Figures 1 & 3; column 4, line 55 to column 6, line 48);

78. means for stopping the one job when a touch operation is carried out with respect to the displayed button (Figures 1 & 3; column 4, line 55 to column 6, line 48); and,

79. a predetermined key provided on a portion except for the display means (Figures 1 & 3; column 4, line 55 to column 6, line 48). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the touch panel function of Yamagata with the system of Kosaka, because it would incorporate a quicker and more efficient way to manage the various jobs that are being executed.

Art Unit: 2156

*Conclusion*

80. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

81. The following patents are cited to further show the state of the art with respect to task managers, such as:

United States Patent No. 5,781,248 to Chida, which is cited to show the use of a touch panel to control several jobs.

United States Patent No. 5,917,912 to Ginter et al., which is cited to show another job control execution apparatus.

82. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (703) 305-7704. The examiner can normally be reached on Monday thru Thursday 7-5.

83. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alvin Oberley can be reached on (703) 305-9716. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7240 for regular communications and (703) 746-7239 for After Final communications.

84. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Christian La Forgia  
Patent Examiner  
Art Unit 2156

clf  
September 5, 2002



JOHN A. FOLLANSBEE  
PRIMARY EXAMINER